

**Draft Summary of the Plenary Group Meeting  
Oroville Facilities Relicensing (FERC Project No. 2100)  
March 28, 2001**

The Department of Water Resources (DWR) hosted the Plenary Group meeting on March 28, 2001 in Oroville.

A summary of the discussion, decisions made, and action items is provided below. This summary is not intended to be a transcript, analysis of the meeting, or to indicate agreement or disagreement with any of the items summarized, except where expressly stated. The intent is to present a summary of the meeting for information purposes for interested parties who could not attend the meeting.

### **Introduction**

Attendees were welcomed to the Plenary Group meeting. The Plenary Group meeting agenda and list of attendees and their affiliations are appended to this summary as Attachments 1 and 2, respectively. Flip chart notes are included as Attachment 3.

- The Plenary Group discussed the effectiveness of advertising relicensing meetings in local newspapers. The Resource Area Managers of DWR suggested Work Group meeting advertisements end after the third meeting. The Plenary Group generally felt advertisements for Plenary Group meetings should be continued for the time being and reassessed in two to three months. One participant suggested that meeting announcements be added to the "What's Happening" section of the paper while another suggested that only one in five households receive newspapers. DWR agreed to continue advertising Plenary Group meetings in local newspapers and to reevaluate the issue in a couple of months.

### **Action Items – February 28, 2001 Plenary Group Meeting**

The Facilitator reviewed the status of action items from the February 28, 2001 Plenary Group meeting:

<b>Action Item #P19:</b>	Discuss USFWS scope handout for potential agenda item.
Status:	A discussion of the USFWS scope handout is included in this meeting.
<b>Action Item #P20:</b>	Discussion on the economics of the Oroville Facilities.
Status:	A discussion of project economics is included in this meeting.
<b>Action Item #P21:</b>	Provide participants with e-mail notification when new items are placed on the relicensing web site.
Status:	DWR has added a "What's New?" button to the relicensing web site. Participants can find the most recent additions to the relicensing web site by clicking the "What's New?" button.
<b>Action Item #P22:</b>	Check on document formatting and downloading capabilities on relicensing web site.
Status:	DWR assisted the individual who was having trouble downloading documents from the relicensing web site. DWR will continue to monitor web site performance.
<b>Action Item #P23:</b>	Distribute Interim Project Task Force Selection Criteria to the Plenary Group and post on relicensing web site.
Status:	Copies of the Criteria were passed out to Plenary Group participants and is posted on the relicensing web site.

## **Work Group Updates**

### *Recreation and Socioeconomics Work Group*

Dale Hoffman-Floerke of DWR reviewed both the March 22, 2001 Recreation and Socioeconomics Work Group meeting and the Interim Projects Task Force meetings. Work Group meeting summaries are available on the relicensing web site. She reported that the Interim Projects Task Force planned to have a list of recommended interim projects completed for Plenary Group review at the June 2001 meeting.

- The Plenary Group discussed its role in evaluating and approving interim projects recommended by the Interim Projects Task Force. Some participants felt that the Plenary Group needed to focus on developing a long-term compliance strategy to include any protection, mitigation, or enhancement measures that may be undertaken. The Plenary Group agreed that a formal presentation regarding FERC compliance would help establish a strategy regarding this issue.
- The Plenary Group suggested that a presentation regarding recreation spending throughout the State Water Project be included on the next Recreation and Socioeconomics Work Group meeting agenda.

### *Environmental Work Group*

Steve Ford of DWR reviewed the March 20, 2001 Environmental Work Group meeting and the activities of the Issue Statements Task Force. The meeting summary is available on the relicensing web site. He informed the Plenary Group that the Issue Statements Task Force was preparing draft issue sheets for Environmental Work Group review and comment.

- The Plenary Group suggested that the Environmental Work Group consider establishing a Task Force for interim environmental issues. DWR agreed to consider adding a discussion item on the Environmental Work Group's April 18, 2001 meeting agenda.

### *Land Use, Land Management and Aesthetics Work Group*

Jim Martin of DWR reviewed the March 13, 2001 Land Use, Land Management and Aesthetics Work Group kick-off meeting. The meeting summary is available on the relicensing web site.

- The Group discussed the structure of the Land Use, Land Management and Aesthetics Work Group. The group recognized that land use issues were raised in all Work Groups, and that the activities of the Land Use, Land Management and Aesthetic Work Group would need to be carefully coordinated with other Work Groups. One participant added that coordination with the Land Use, Land Management and Aesthetic Work Group should include active participation by agencies that have mandatory conditioning authority. A Plenary Group participant suggested that the Land Use, Land Management and Aesthetics Work Group consider identifying permanent representatives from each of the other Work Groups to attend the Land Use, Land Management and Aesthetics Work Group meetings.

### *Engineering and Operations Work Group*

Lori Brown of DWR reviewed the March 1, 2001 Engineering & Operations Work Group kick-off meeting. The meeting summary is available on the relicensing web site. She reported members of the Engineering and Operations Work Group would be touring operations facilities on April 4, 2001 (the day before their next meeting). Several Plenary Group members asked to be included in the tour. DWR agreed to set up a tour for Plenary Group members.

- ♦ One participant asked for an explanation of “operations modeling”. DWR staff responded that an operations model is a computer tool that simulates operations and predicts various results under considering different scenarios, including factors such as different flow release requirements, reservoir levels, etc., and recreation alternatives, as well as specifying a water year designation, e.g., dry or wet.

### *Cultural Resources Work Group*

Dale Hoffman-Floerke of DWR reviewed the March 27, 2001 Cultural Resources Work Group kick-off meeting. The meeting summary is not yet available on the relicensing web site since the meeting was yesterday. She reported that the meeting closely resembled other kick off meetings where participants discussed roles and expectations and schedule requirements. The meeting was primarily focused on revising and adding to the list of issues related to cultural resources. Participants agreed to allow the consulting team to develop draft issue statements for review at the next Cultural Resources Work Group meeting.

### **Process Protocols Task Force Update**

Ward Tabor, Peter Maki, and Gary Taylor of the Process Protocols Task Force provided the Plenary Group with an update on task force activities. The Proposed Process Protocols were distributed to the Plenary Group and discussed and are appended to this summary as Attachment 4. Corrections and additions to the Process Protocols are included in the Flip Chart Notes, Attachment 3.

- ♦ Harry Williamson of the US Park Service asked what was meant by “the weight of overriding opinion”. Ward Tabor of DWR responded that it was related to consensus, and that it was something more than a majority. He added that it could be the greatest number of people agreeing with a particular outcome. Agreements do not have to be unanimous. While FERC is the final arbiter of consensus, Ward added that FERC might be skeptical of an agreement reached through a ‘51 to 49’ vote. Sharon Stohrer of SWRCB added that consensus needs to be further defined and suggested that the Process Protocols Task Force review the issue and provide a recommendation to the Plenary Group.
- ♦ Roger Masuda, Butte County wanted to know if the SWRCB would be running the 401 Clean Water Act approval process. Sharon Stohrer responded that DWR would need to receive a 401 permit and the SWRCB has authority in this area. She added that the Plenary Group should recognize there are a number of water issues that will need to be negotiated. Roger suggested that the Process Protocols state that although participants may agree with the collaborative process, agencies with statutory authority are not bound by the agreements. The Plenary Group agreed that if the settlement

agreements are done properly there should be little reason to fall back on statutory authority.

- ♦ The group discussed the Department of Parks and Recreation's authority over recreation in the project area. They considered the potential for DPR to make a presentation to the Plenary Group regarding their role in the relicensing process and current responsibilities under the existing license.
- ♦ The group discussed a request for consideration of taping future Plenary Group meetings. Ward Tabor indicated that the Process Protocols Task Force discussed the issue, but was not bringing a recommendation to the Plenary Group at this time. Ward added that many of the agencies had a concern that taping the meetings may truncate creative participation in the relicensing process. One participant was concerned that important discussions may not be adequately covered in the summary notes. They were reminded that Plenary Group participants have an opportunity to review the summaries and suggest revisions that will then be posted on the relicensing web site. It was also noted that individuals could personally record meetings. The Plenary Group agreed to discuss the issue at its next meeting.

### **Oroville Facilities Economics**

Rick Ramirez of DWR provided the Plenary Group with information on SWP water and power cost allocations to the State Water Contractors. A flowchart, 'Relationship of Data Used to Substantiate Statements of Charges, Oroville Facilities Relicensing (FERC Project No. 2100)', was distributed to the Plenary Group and is appended to the Summary as Attachment 5. Rick pointed out that project economics includes administrative policy and operational factors and information tends to cover the entire SWP, not just the Oroville Facilities. This information is included in an annual report on the SWP, Bulletin 132, which is available in the Oroville Facilities Public Reference File. Developing cost and revenue figures specific to the Oroville Facilities will take additional time. He added that FERC tended to be interested in the needs of the community and stakeholders during relicensing and not necessarily the economics of operations. He suggested that the Plenary Group refine its questions so that DWR could determine the economic information necessary to fulfill the Plenary Group's request.

- ♦ Harry Williamson of the US Park Service suggested that the Plenary Group needed basic information regarding Oroville Facilities water and power resources. He added it would be important to know how the value of the water is determined. One participant noted the Recreation and Socioeconomics Work Group had something similar to this issue on its agenda for their next meeting. Craig Jones indicated that the State Water Contractors would be open to providing a similar presentation to the Plenary Group that was presented to the Recreation and Socioeconomics Work Group. The Plenary Group agreed that a more specific presentation by DWR would be appropriate for the next Plenary Group meeting. The Plenary Group also requested that FERC discuss its approach to project economics at the next meeting.

### **Scoping Issues**

Steve Nachtman of the consulting team discussed the revised relicensing schedule with the Plenary Group. The revised relicensing schedule is appended to the summary as Attachment 6. He pointed out that the revisions allow the Work Groups more time to

develop scoping issues, issue statements, etc. He reminded them that the deadline for submitting IIP errata is April 30, 2001, and the deadline for to submit comments on the Process Protocols is May 1. He added that a new section for ESA and Section 106 consultation will be included.

Gary Taylor of USFWS distributed a handout describing 'scope' to the Plenary Group and outlining USFWS concerns regarding relicensing a project the size and influence of the Oroville Facilities. He stated that the Oroville Facilities have statewide impacts, operates in conjunction with other State and federal facilities, and is constrained by a number of State and federal environmental laws. He requested that the Plenary Group review the issue for discussion at its next meeting. The Plenary Group agreed further discussion of scope for the issues identified was warranted.

### **Next Meeting**

The Plenary Group agreed to meet on:

Date: Tuesday May 1, 2001

Time: 5:00 p.m. to 9:00 p.m.

Location: Oroville Sports Club

### **Agreements Made**

1. The Plenary Group agreed to discuss audio taping at the next meeting.
2. DWR agreed to continue advertising Plenary Group meetings in local newspapers pending an evaluation at the June meeting.
3. The Plenary Group agreed to meet again on May 1, 2001 from 5:00 p.m. to 9:00 p.m. at the Oroville Sports Club.

### **Action Items**

The following list of action items identified by the Plenary Group includes a description of the action, the participant responsible for the action, and item status.

**Action Item #P24:** Provide copies of Bulletin 132 to the Plenary Group.

**Responsible:** DWR Staff

**Due Date:** May 1, 2001

**Action Item #P25:** Provide clarification on project economics, including water and power resources and include FERC 's approach to project economics.

**Responsible:** DWR Staff and FERC

**Due Date:** May 1, 2001

**Action Item #P26:** Reassess the effectiveness of Plenary Group meeting newspaper advertisements.

**Responsible:** DWR Staff and Consulting Team

**Due Date:** June 11, 2001

**Action Item #P27:** Presentation on FERC compliance guidelines (assurances).

**Responsible:** FERC

**Due Date:** May 1, 2001

**Action Item #P28:** Arrange a facilities tour for Plenary Group members.

**Responsible:** DWR Staff

**Due Date:** May 1, 2001

**Action Item #P29:** Land Use, Land Management and Aesthetics Work Group to consider Work Group representation policy at their next meeting.

**Responsible:** DWR Staff

**Due Date:** April 10, 2001

**Action Item #P30:** Provide IIP on CD at next Plenary Group meeting.

**Responsible:** DWR Staff

**Due Date:** May 1, 2001

**Action Item #P31:** DPR presentation regarding their participation and responsibilities in the relicensing process.

**Responsible:** DPR Staff

**Due Date:** May 1, 2001

**Action Item #P32:** Agenda item to discuss audio recording of meetings.

**Responsible:** DWR Staff

**Due Date:** May 1, 2001

**Action Item #P33:** Environmental Work Group to consider interim environmental issues and potential for establishing a task force at their next meeting.

**Responsible:** DWR Staff

**Due Date:** April 18, 2001

**Action Item #P34:** Consider providing sound system for meetings to improve audio capabilities.

**Responsible:** DWR Staff

**Due Date:** May 1, 2001

**Plenary Group Meeting Agenda  
Oroville Facilities Relicensing (FERC Project No. 2100)  
March 28, 2001**

**Agenda**

Desired Outcomes

- *Updates on Relicensing Activities, Work Groups, and Task Force*
- *Acceptance of Task Force Recommendations for revisions to protocol documents*
- *Discussion of other scoping issues including schedule revision and potential for early time-sensitive studies*
- *Next Steps for Plenary Group*

**1. Welcome, Introductions, Update on Relicensing Activities, and Meeting Objectives**

**2. February 28, 2001 Meeting Summary and Action Items**

**3. Work Group Updates**

- **Recreation and Socioeconomics**
- **Environmental**
- **Land Use, Land Management, and Aesthetics**
- **Engineering and Operations**
- **Cultural Resources**

**4. Process Protocols Task Force Update**

**5. Oroville Facilities Economics**

**6. Scoping Issues**

- ♦ **Revised Schedule**
- ♦ **USFWS Scoping handout**

**7. Action Items and Next Steps**

**Plenary Group Meeting Attendees  
Oroville Facilities Relicensing (FERC Project No. 2100)**

Adrian Smith	Resident
Al Koslin	City of Oroville
Banky Curtis	Department of Fish and Game
Bruce Steidl	Mooretown Rancheria
Cathy Hodges	Equestrian Trail Rider/Hiker
Charles L. Miller	City of Oroville Department of Parks & Trees
Craig T. Jones	State Water Contractors
D.C. Jones	Resident
Dale Hoffman-Floerke	Department of Water Resources
Dave Ferguson	Department of Water Resources
David Whitewolf	Cherokee Tribal Council/NANRC111
Diana Mahmud	MWD
Dick Dunkel	Lake Oroville Fish Enhancement Committee
Don Marquez	Kern County Water Agency
Don Waltz	Department of Boating and Waterways
Douglas Poppelreiter	Lake Oroville Fish Enhancement Committee
Floyd Higgins	Oroville Model Airplane Club
Frances Kelley	Butter County Citizens for Fair Government
Gary Taylor	US Fish & Wildlife Service
Greg Elvine-Kreis	Mooretown Rancheria
Harry Williamson	US Park Service
Jim Martin	Department of Water Resources
Jon Rubin	Santa Clara Valley Water District
Ken Kulse	MWD
Leslie Steidl	Resident
Linnea Hanson	Plumas National Forest
Lori Brown	Department of Water Resources
Mike Kelley	Butte County Tax Payers Association
Mike Taylor	USFS
Mike Vroomn	Resident on Feather River
Nan Nalder	ACRES/State Water Contractors
Patrick Porgans	Porgans and Associates
Peter Maki	Feather River Nature Center
Rashid Ahmad	Department of Water Resources
Ray Gannett	Funtime Fulltime Inc., dba Bidwell Marina
Rick Ramirez	DWR
Ron Davis	Oroville Pageant Riders
Roger Calloway	Department of Water Resources
Roger Masuda	Butte County
Rosalie Bertrum	Enterprise Rancheria
Scott Lawrence	Feather River Recreation and Parks Department
Sharon Stohrer	State Water Resource Control Board
Steve Ford	Department of Water Resources
Steve Nachtman	Harza/EDAW
Vince Wong	Zone 7 Water Agency
Wade Hough	Butte Sailing Club, ORAC
Wayne Dyok	Harza/EDAW
Ward Tabor	Department of Water Resources



## **Notes from Flip Charts Oroville Facilities Relicensing (FERC Project No. 2100)**

The following list was recorded on flip charts during the Plenary Group Meeting. The flip chart listing is not intended to be a transcript or analysis of the meeting or to indicate agreement or disagreement with the items listed; the intent is to provide a summary for informational purposes for interested parties who could not attend the meeting.

### **Proposed Process Protocol**

- Pg. 3 Departments of Commerce and Interior (last bullet)
- Pg. 6 Task Forces may be initiated by Plenary Group or Work Groups
- Pg. 17 Further resolution of consensus identification (thumbs-up, negative polling, etc. needed)
- Pg. 18 Issue 'cut-off' elaboration. Explain how issues may be raised late in the process
- Pg. 3 Consider discussion of 401 certification (Clean Water Act) (revision to bullet on top of pg. 4). Check pg. 15 for clarifying language
- Pg. 17 Re: consensus – what is meant by “weight of overriding opinion?” What is intended for government vs. non-government representation? Need more description on this.
- Pg. 16 Elaborate statutory authority for DPR  
Identify what regulatory agencies will not be bound by this agreement. Who cannot sign the settlement agreement?  
Consider how to handle dissenting opinions to agreement.

### **Action Items**

- Indicates IIP was filed – if not urgent consider revision if substantive errata identified.
- Bring copies of economics document to next Plenary meeting.
- Clarify how capital costs for facilities and flow chart.
- Add to Recreation Work Group Agenda – recreation spending throughout the SWP.
- Re-assess advertisement notification and placement
- FERC compliance as agenda topic (FERC representative)
- Consider environmental interim issues at environmental Work Group and task force.
- For LULMA Work Group agenda (discussion of set representation from other Work Groups.)
- Arrange facility tour for interested Plenary Group participants.
- CDs of IIP to next meeting.
- DPR presentation to Plenary Group.
- Agency – TF recommended protocols to discuss further.

### **Economics**

- Want an overview – ‘lay terms’ ex: cost of water, power uses
- How is the value of water determined?
- FERC representative to discuss how they treat economics of projects.
- How used in other settlement agreements?
- Relationship to assurances.
- Fargo authored papers to group.

- Consider timing for discussion.
- State Water Contractor presentation (same as given to Recreation Work and Socioeconomics Group?)
- Investigate potential for DWR to provide sound system.